

**Notice of Allowability**

Application No.

09/844,640

Applicant(s)

MEIJER ET AL.

Examiner

Art Unit

Jason M Perilla

2634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed December 30, 2004.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050405.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20050405</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wayne Tang (36028) on April 5, 2005.

The application has been amended as follows:

Regarding claim 1, in line 6, "a signal delay between" is replaced by --a signal delay effected by a bandwidth variable intermediate frequency (IF) circuit between--, in line 7, "reception signal and" is replaced by --reception signal received by the antenna diversity receiver and", and, in line 8, "a plurality of antennas" is replaced by --the plurality of antennas--.

Regarding claim 2, in line 2, "a bandwidth variable intermediate frequency (IF) circuit" is replaced by --the bandwidth variable intermediate frequency circuit--.

Regarding claim 6, in lines 2-3, "the demodulator" is replaced by --a demodulator--.

Regarding claim 8, in line 8, "a signal delay between the occurrence" is replaced by --a signal delay effected by a bandwidth variable intermediate frequency (IF) circuit between an occurrence--, and, in line 9, "a plurality of antennas" is replaced by --the plurality of antennas--.

Regarding claim 9, in line 4, "a bandwidth variable intermediate frequency (IF) circuit" is replaced by –the bandwidth variable intermediate frequency circuit--.

Regarding claim 13, in line 2, "the demodulator" is replaced by –a demodulator--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: The addition of the drawing label "FIGURE 1" as shown in the attached proposed Examiner's amendment to the drawings. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).**

***Allowable Subject Matter***

3. Claims 1-14 are allowed.

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4. The following is an examiner's statement of reasons for allowance:

Claims 1-14 are allowed because, in addition to the reasons for allowance stated in the office action of November 1, 2004, the claims are not anticipated or obviated by Meijer (US 6807404). Meijer discloses an antenna diversity receiver comprising an antenna selective switching means which may be disabled. Meijer discloses that a delay caused by the intermediate frequency filter may effect, via a comparison (fig. 1, ref. 36) with a predetermined threshold delay value (fig. 1, ref. 34), a switch disabling timer (fig. 1, ref. 44) to be updated with a specified amount of time to disable antenna switching. However, in the instant application, the antenna selective switching means is disabled *permanently* when a signal delay effected by the intermediate frequency filter becomes larger than a predetermined critical delay.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Perilla  
April 5, 2005

jmp